

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004160 consol.

06/15/2012

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MARRIAGE OF
STEVEN FRED HORNING

HEATH H MCWHORTER

AND

KAREN DYAN MATTICE

STEVEN H EVERTS

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
DOCKET-FAMILY COURT-SE

MINUTE ENTRY

Courtroom 403 – SEA

9:08 a.m. This is the time set for Resolution Management Conference re: Respondent's Petition for Order to Appear Re: Modification of Parenting Time, Modification of Child Support, Civil Contempt for Non-Payment of Child Support/Spousal Maintenance, and Enforcement of Attorney's Fees. Petitioner is present and represented by above named counsel. Respondent is present and represented by above named counsel.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

IT IS ORDERED directing Docket to **change** the caption in iCIS to reflect Respondent's last name as Mattice.

The Court has reviewed the case file and the pleadings filed by the parties.

The docket reflects that Respondent filed a Petition for Order to Appear Re: Modification of Parenting Time, Modification of Child Support, Civil Contempt for Non-Payment of Child

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Support/Spousal Maintenance, and Enforcement of Attorney's Fees on March 16, 2012. Respondent also filed a notice of strict compliance with the rules of evidence. Petitioner was served with the petition on April 26, 2012. The docket further reflects that this is a IV-D case.

IT IS ORDERED directing the State of Arizona through the Attorney General's Office to advise the Court of whether they have a continuing interest in the support obligation and whether they wish to appear at the Evidentiary Hearing or whether they want this matter referred to the IV-D Commissioner for further proceedings to determine whether it is appropriate to modify the support obligation. If the State indicates that they have no objection to this Division considering the support obligation, then the support issues will be heard along with all of the other matters raised by the parties.

IT IS ORDERED setting an Evidentiary Hearing re: Respondent's Petition for Order to Appear Re: Modification of Parenting Time, Modification of Child Support, Civil Contempt for Non-Payment of Child Support/Spousal Maintenance, and Enforcement of Attorney's Fees on **September 14, 2012 at 10:00 a.m. (2 hours allowed)** before Honorable Christopher Coury at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 403
Mesa, AZ 85210

Due to the judicial rotation scheduled to occur in June, 2012, this represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

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IT IS ORDERED that the parties are to file their respective Affidavit of Financial Circumstances and supporting documentation no later than **July 16, 2012**.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including

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each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the evidentiary hearing. If you make a written request before the evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

9:12 a.m. Conference concludes.

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.